Supreme Court, U.S.
FILED
MAY 30 1996
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(4)

No. 95-1737

IN THE
UNITED STATES SUPREME COURT

OCTOBER TERM, 1995

VINCENT A. LUCAS

Petitioner,

v.

E. GORDON GEE, et al.

Respondents.

On petition for writ of certiorari to the Court of Appeals for Franklin County, Ohio

PETITIONER'S SUPPLEMENTAL BRIEF ON THE ISSUE OF STANDING

Vincent A. Lucas
2157 Summit St., Apt. 2
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(614) 294-8515
Petitioner, pro se

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HPP

On May 4, 1996, Ohio State's University Senate met. During that meeting, the Petitioner made a request to participate in the Senate's debate, was granted that request, and participated in the Senate's debate, as is evidenced by the affidavit that follows. No objection was made against the Petitioner's participation in Senate debate.

The fact that the Petitioner was able to participate in the Senate's debate irrefutably demonstrates that the trial court was correct in finding that, as a member of the university community, the Petitioner continues to have standing to pursue this case, even though he is a non-senator: The University Senate has an informal tradition of letting anyone from the university community participate in its debates. As such, the Petitioner is concretely and tangibly harmed by Gee's practices in presiding over Senate debate, as he clearly would have been had Gee decided at the Senate's May 4 meeting to use his power as presiding officer to prevent his political opponents from discussing their views, like he has at times in the past[1]. Hence, the Petitioner has a concrete, tangible stake in the outcome of litigation to enjoin Gee's practices in presiding over Senate debate. Thus, the Petitioner continues to have standing in this case.

Respectfully Submitted,
VINCENT A. LUCAS
Petitioner, pro se

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[1] *See* Complaint ¶¶ 8(f),(h); 9(c). *See generally* Petition for Certiorari, Reasons for Granting the Writ, Section I, Subsection B.

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AFFIDAVIT OF VINCENT A. LUCAS

STATE OF OHIO)
COUNTY OF FRANKLIN) ss.

Vincent A. Lucas, being duly sworn, says that:

I am Vincent A. Lucas and I have personal knowledge of the facts herein set forth.

1. On May 4, 1996, a meeting was held of the University Senate ("Senate") of the Ohio State University.

2. During that meeting, Grady Chism gave a report on behalf of the Senate's Committee on Women and Minorities. After the report followed a period for discussion and debate by the Senate on the report. During that period of discussion and debate, I requested that I be recognized by the Senate to participate in the discussion, was recognized for that purpose, and used my opportunity to participate in Senate debate to ask the following question:

> Um yes, do you think that our affirmative action programs have had a significant impact in terms of increasing the opportunity for um-, the equality of opportunity, for um-, between gender and races, and do you think that it would

get any worse or better if we simply got rid of the affirmative action programs such as has been proposed say in California.

Chism then proceeded to answer my question.

No objection was made against my speaking at the Senate meeting. Nothing unusual happened in conjunction with either my request to participate in Senate discussion or my subsequent participation in the Senate discussion. Having been recognized to address the Senate, my participation was treated no differently by the Senate or its members than would participation by any member of the Senate.

3. The request to participate in Senate discussion and debate described in the paragraph above was the first and only time I have made a request to participate in Senate discussion or debate as a non-senator.

Vincent A. Lucas

Sworn unto me and subscribed in my presence this 21st day of May, 1996.

Notary, State of Ohio

ANTHONY T. FIDELIBUS
Notary Public, State of Ohio
My Commission Expires 6-19-99